

**Amendment and Response**

Applicant: Craig K. Carlson-Stevermer  
Serial No.: 10/622,849  
Filed: July 18, 2003  
Docket No.: A126.114.102  
Title: WAFER STAGING PLATFORM

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed August 30, 2005. In that Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a) for failing to identify by number features of the invention specified in the claims.

In addition, claims 1-8 and 15-21 were rejected under 35 U.S.C. §102(b) as being anticipated by the admitted prior art of FIGS. 1-13. Claims 9-14 were not examined.

With this Response, the Specification and the drawings have been amended, and Replacement Sheets for the drawings are submitted. In addition, claims 2-4 and 15 have been canceled, claims 22-24 are newly presented, and claims 1, 5-10, and 16-21 have been amended. Claims 1, 5-14, and 16-24 remain pending in the application and are presented for consideration and allowance.

**Miscellany**

In Item 1 of the Office Action mailed August 30, 2005, the Examiner notes that referencing a patent in the Specification does not serve as a substitute for an Information Disclosure Statement. However, Applicant respectfully submits that the reference identified in the Specification at page 2, line 7 has been cited by the Examiner in Form PTO-892. Since the reference disclosed in the Specification at page 2, line 7 has been cited by the Examiner, and therefore considered, the reference will not be cited in a separate Information Disclosure Statement.

The Specification has been amended pursuant to 37 C.F.R. § 1.121(b) to provide identifiers for various features of the invention specified in the claims. It is believed that the amendments to the Specification do not add new matter. It is respectfully requested that the amendments to the Specification be entered.

**Objections to the Drawings**

The Examiner requires that corrected drawings in compliance with 37 C.F.R. 1.121(d) be submitted to identify FIGS. 1-13 as prior art. With this Response, Replacement Sheets are

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submitted properly identifying FIGS. 1-13 as prior art. Applicant respectfully requests that the Examiner accept the changes to FIGS. 1-13.

The drawings were objected to under 37 C.F.R. § 1.83(a) for failing to identify by number features of the invention specified in the claims. With this Response, FIGS. 14 and 15 have been amended to identify the features of the invention specified in the claims. The amendments to FIGS. 14 and 15 are included on Replacement Sheet, Sheet 4 of 6, submitted herewith. Support for the features numerically identified in FIGS. 14 and 15 can be found throughout the Specification, and in particular, at page 4, lines 2-14. Applicant respectfully requests that the Examiner accept the changes to FIGS. 14-15.

### **35 U.S.C. § 102 Rejections**

Claims 1-8 and 15-21 were rejected under 35 U.S.C. § 102(b) as anticipated by the admitted prior art of FIGS. 1-13.

Independent claim 1 has been amended to recite that the wafer staging platform includes a first vacuum-assisted platform for holding a first wafer, and a second vacuum-assisted platform aligned with the first vacuum-assisted platform. Support for this language can be found throughout the Specification, and in particular, at page 4, lines 2-14, and page 5, lines 3-22. It is respectfully submitted that the prior art illustrated in FIGS. 1-13 does not teach or suggest a first vacuum-assisted platform for holding a first wafer aligned with a second vacuum-assisted platform for holding a second wafer. Along these lines, the Examiner's statement in rejecting now canceled claim 4 that the "prior art of Figs. 1-13 disclose a vacuum system for holding the first wafer on the first platform and the second wafer on the second platform" is not understood; nothing in the prior art cited by the Examiner teaches a vacuum system, let alone the limitations of claim 1.

It is submitted that amended independent claim 1 recites patentable subject matter over the art of record. It is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 5 has been amended to recite: "A handling system for a wafer inspection system comprising: a wafer processing platform; at least two wafer loadports, each

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wafer loadport configured to receive a wafer transportation cassette; a wafer staging platform disposed closer to the wafer processing platform than any of the wafer loadports; and a robot configured to move wafers between the wafer processing platform and the wafer staging platform.”

Support for this language can be found throughout the Specification, and in particular, at page 4, lines 2-14. Additional support is found in FIGS. 16-28 that illustrate a wafer staging platform disposed closer to a wafer processing platform than any one of the two wafer loadports. In this regard, it is noted that drawings may provide the basis for subsequent amendments to the Specification without producing prohibitory new matter. *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (C.C.P.A. 1962); M.P.E.P. §2163.02. The Federal Circuit has held: “The practical, legitimate inquiry in each case of this kind is what the drawing in fact discloses to one of skill in the art. Whatever it does disclose may be added to the Specification in words without violation of the statute and rule which prohibit ‘new matter,’ 35 U.S.C. § 132, rule 118, for the simple reason that what is originally disclosed cannot be ‘new matter’ within the meaning of this law.” (emphasis added) 133 USPQ at 542. In light of this understanding, it is respectfully submitted that claims 5-14 are supported in the Specification at least through an implicit or inherent disclosure. M.P.E.P. § 2163 I.B.

It is submitted that amended independent claim 5 recites patentable subject matter over the art of record. It is respectfully requested that the rejection to claim 5 under 35 U.S.C. § 102(b) be withdrawn.

Claim 22 is newly presented to particularly point out and distinctly claim inventive subject matter. Claim 22 provides the wafer staging platform of claim 9, wherein the at least two platforms are aligned in a vertical stack. It is respectfully submitted that the art of record does not teach or suggest at least this limitation, such that claim 22 recites additional patentably distinct subject matter.

Claim 15 was rejected under 35 U.S.C. § 102(b). With this Response, claim 15 has been canceled, and claim 23 newly presented. Claim 23 is newly presented to distinctly claim and particularly point out subject matter that the Applicant regards as inventive. Claim 23 provides a method for swapping samples in a wafer inspection system that includes removing a first sample

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loadport, processing the sample, removing the sample for staging at a sample holder, follows by returning the sample to the loadport.

Support for this language can be found throughout the Specification, and in particular, at page 5, lines 3-22. Additional support is found in FIGS. 16-28 that illustrate staging a first sample on a sample holder prior to storing the first sample in one of two sample loadports.

It is respectfully submitted that the art of record does not teach or suggest order staging steps set forth in claim 23. Claims 16-21 recite further limitations on newly presented claim 23, such that claims 16-21 are also believed to recite patentable subject matter.

Claim 24 is newly presented and depends from newly presented claim 23. Claim 24 provides the method of claim 23, further comprising staging a second sample in a sample holder prior to processing the second sample on the sample processing platform. Claim 24 recites a further limitation on newly presented claim 23, such that claim 24 is also believed to recite patentable subject matter.

It is respectfully submitted that amended independent claims 1 and 5, and newly presented independent claim 23 recite patentable subject matter that is not taught or suggested by the art of record. Claims 6-14 and 22 depend from amended independent claim 5; claims 16-21 and 24 depend from newly presented independent claim 23. It is believed that these dependent claims further limit their respective independent claims, such that the dependent claims also recite patentable subject matter. With this in mind, it is respectfully requested that the rejections to the claims under 35 U.S.C. § 102(b) be withdrawn.

## **CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 5-14, and 16-24 recite patentable subject matter, are in form for allowance, and are not taught or suggested by the art of record. Therefore, reconsideration and withdrawal of the rejections, and allowance of claims 1, 5-14, and 16-24 is respectfully requested.

No fees are required under 37 C.F.R. §§ 1.16 and 1.17. However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

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The Examiner is invited to telephone the Applicant's representative at the below-listed number to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Dicke, Billig & Czaja, PLLC**  
ATTN: Christopher McLaughlin  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402

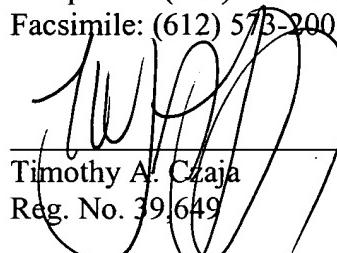
Respectfully submitted,

Craig K. Carlson-Stevermer,

By his attorneys,

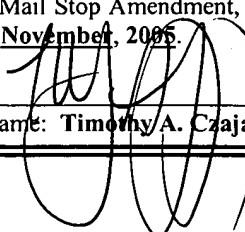
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Facsimile: (612) 573-2005

Date: November 30, 2005  
TAC:jmc

  
\_\_\_\_\_  
Timothy A. Czaja  
Reg. No. 39,649

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of November, 2005.

By:   
\_\_\_\_\_  
Name: Timothy A. Czaja

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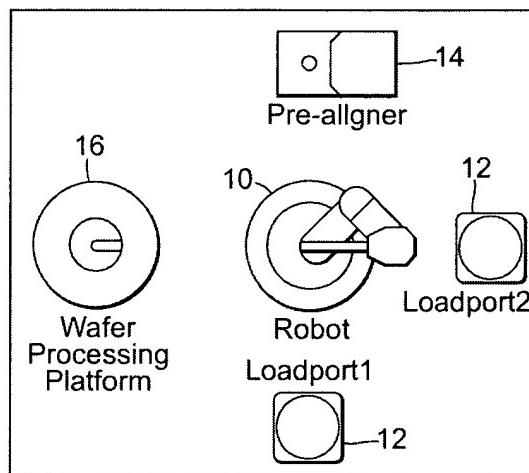
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**IN THE DRAWINGS**

Replacement Sheets 1-6 are submitted with this Amendment and Response. FIGS. 1-13 are now labeled as "Prior Art." FIGS. 14-15 are re-presented on Annotated Marked-up Drawing Sheets to identify various system components referenced at page 4 of the Specification.

FORMAL REPLACEMENT DRAWING SHEETS

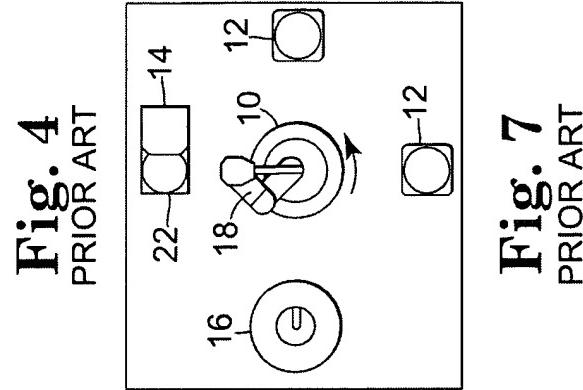
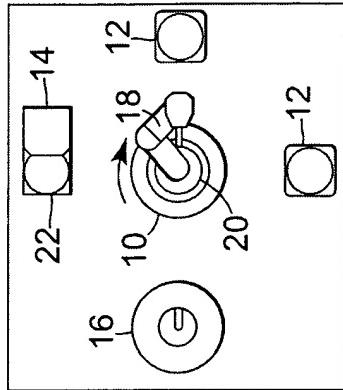
CRAIG K. CARLSON-STEVERMER  
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"WAFER STAGING PLATFORM"



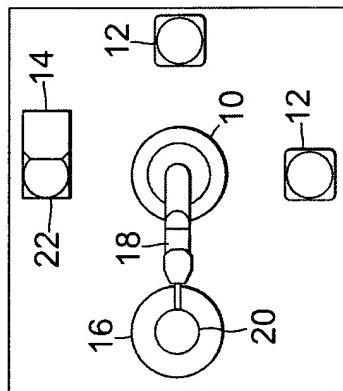
**Fig. 1**  
PRIOR ART

FORMAL REPLACEMENT DRAWING SHEETS

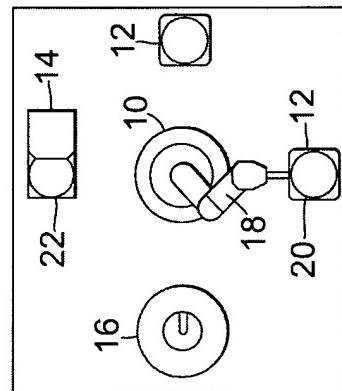
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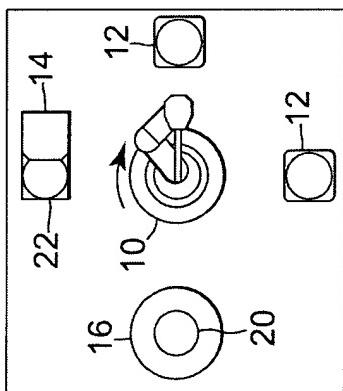
**Fig. 4**  
PRIOR ART



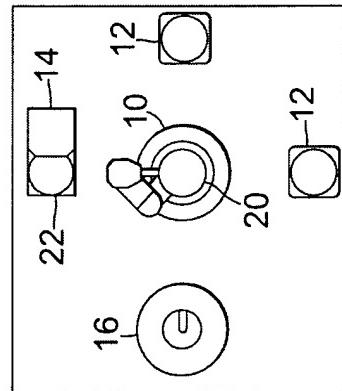
**Fig. 3**  
PRIOR ART



**Fig. 6**  
PRIOR ART



**Fig. 2**  
PRIOR ART

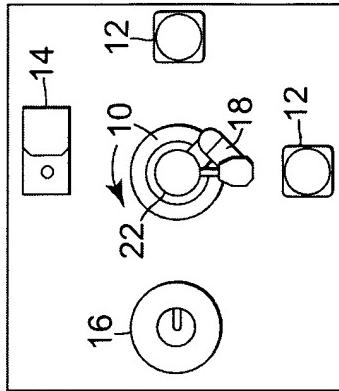


**Fig. 5**  
PRIOR ART

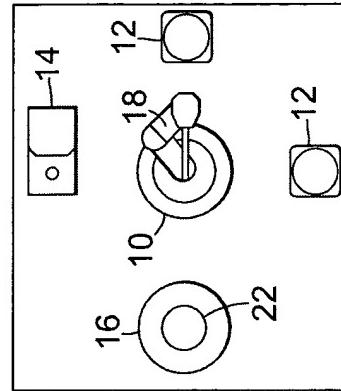
**Fig. 7**  
PRIOR ART

FORMAL REPLACEMENT DRAWING SHEETS

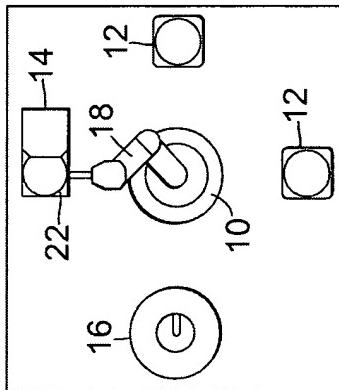
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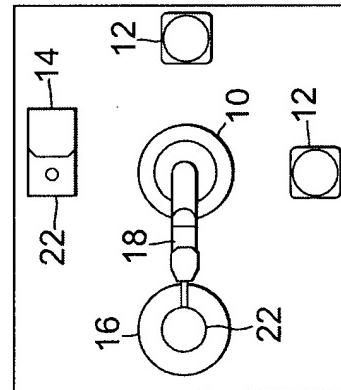
**Fig. 8**  
PRIOR ART



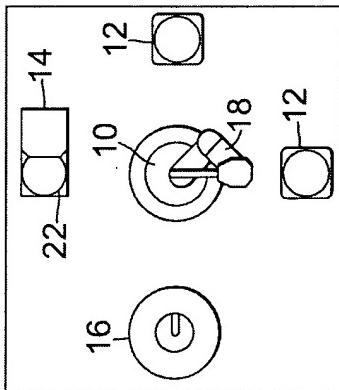
**Fig. 10**  
PRIOR ART



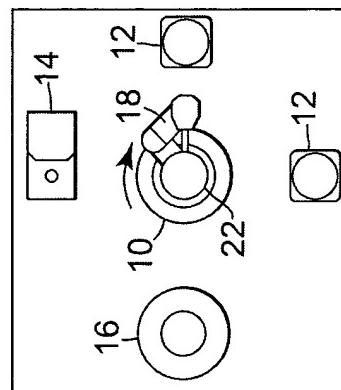
**Fig. 9**  
PRIOR ART



**Fig. 12**  
PRIOR ART



**Fig. 11**  
PRIOR ART



**Fig. 13**  
PRIOR ART